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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/031,452

03/06/2002

Yoshinobu Hara

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EXAMINER

LIU, I JUNG

ART UNIT

PAPER NUMBER

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/031,452

Applicant(s)

HARA ET AL.

Examiner

Marissa Liu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7, 9-11 and 16-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/19/2003 and 01/22/2007</u> | 6) <input type="checkbox"/> Other: _____  |

*Interview Summary*

1. On March 7, 2007, a telephone conversation with George Oran was made to discuss the Election/Restriction requirement. George Oran left a telephone voice message on March 13, 2007, a provisional election was made without traverse to prosecute the invention of Group 1: claims 1-4, 6, 8 and 12-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5, 7, 9-11 and 16-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

*Election/Restrictions*

1. This application contains claims directed to the following patentably distinct species of the claimed invention. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1, 2, 6 and 12-13 are generic.

Species I. Claims 3-4, 8 and 14-15 are drawn to a method for comprehensively determining a trading partner, classified in class 705, subclass 35.

Claimed as one embodiment of the invention, select trading partners in order of decreasing value of the data represented in numerical form, after the addition.

Species II. Claims 3, 5, 9 and 16-17 are drawn to a method of selecting trading partners in order of decreasing value of the data represented in numerical form, after multiplication, classified in class 705, subclass 35.

Claimed as another embodiment of the invention, multiplying the weighted data represented in numerical form by the price difference represented in numerical form and

selecting trading partners in decreasing value of the data represented in numerical form, after the multiplication.

Species III. Claims 10-11 and 17 are drawn to a method for choosing a selecting routine from a plurality of predetermined selecting routines, classified in class 705, subclass 35.

Claimed as another embodiment of the invention, selecting routine which functions to select the trading partner having the highest value of the weighted data represented in numerical form provided that no trading partner has represented a bidding price equal or greater than the target price.

3. Applicant's election without traverse of Group 1: claims 1-4, 6, 8 and 12-15, in the reply over the phone message on March 13, 2007 is acknowledged.

## **DETAILED ACTION**

### ***Drawings***

1. The drawing, 7(b) is objected to because the drawing contains the phrase "-10% above" in foreign language. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be

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necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 12-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Walker et al., U.S. Patent No.: 5,794,207 (PTO-892 form A).

3. As per claim 1, Walker et al. teaches a system for determining overall capability of a trading partner, in a bidding system with which trading partners present their bidding prices via a network, in response to a matter presented by a buyer company, comprising:

a trading partner database for storing data representing capabilities of the trading partners, in numerical form; and a controller arranged to read the data on the trading partners represented in numerical form (see column 16, lines 29-43 and column 19, lines 18-21, where "window seat is worth two points, an aisle seat is one point, a nonstop flight four point, etc. and ten point" is equivalent of "in numerical form"), from the trading partner database (see column

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13, lines 11-22), on receiving the bidding prices and to select a trading partner or trading partners for the matter, based on the bidding prices and the data represented in numerical form (see column 11, lines 44-50, column 16, lines 29-43 and column 33, line 66-column 34, line 4) .

4. As per claim 2, Walker et al. teaches a system for determining overall capability of a trading partner, according to claim 1 described above. Walker et al. further teaches:

wherein the data representing capabilities of the trading partners (see column 12, lines 13-15 and 56-67) , in numerical form, stored in the trading partner database are data representing capabilities of the trading partners on a plurality of estimation items, in numerical form, based on any of information on the trading partners, obtained from the trading partners (see column 13, lines 11-38 and column 16, lines 29-43), information concerning estimation of the trading partners, kept by the buyer company and business information concerning the trading partners (see abstract and column 9, lines 14-22), obtained from external credit-ranking agencies (see column 9, lines 1-22).

5. As per claim 3, Walker et al. teaches a system for determining overall capability of a trading partner, Walker et al. teaches according to claim 1 described above. Walker et al. further teaches:

wherein the controller is further arranged to weight the data indicating capabilities of the trading partners, in numerical form, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter, based on bidding prices of the trading partners and the weighted data represented in numerical form (see column 16, lines 12-45 and column 13, lines 17-38).

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6. As per claim 12, Walker et al. teaches a method for comprehensively determining a trading partner by a system comprising a database storing data representing capabilities of trading partners, in numerical form and a controller, the method comprising the following steps performed by the controller:

receiving bidding prices from the trading partners (see column 13, lines 23-34); reading data on the trading partners, in numerical form, from the trading partner database (see column 13, lines 10-38 and column 16, lines 12-45); and selecting a trading partner or trading partners for the matter based on the received bidding prices and the read data represented in numerical form (see column 11, lines 44-50, column 16, lines 29-43 and column 33, lines 66-column 34, line 4).

7. As per claim 13, Walker et al. teaches a method for comprehensively determining a trading partner, according to claim 12 described above. Walker et al. further teaches wherein the data representing capabilities of the trading partners, in numerical form, stored in the trading partner database are data representing capabilities of the trading partners on a plurality of estimation items, in numerical form, based on any of information on the trading partners, obtained from the trading partners, information concerning estimation of the trading partners, kept by the buyer company and business information concerning the trading partners (see column 11, lines 44-50, column 16, lines 29-43 and column 33, lines 66-column 34, line 4), obtained from external credit-ranking agencies (see column 9, lines 1-22).

8. As per claim 14, Walker et al. teaches a method for comprehensively determining a trading partner, according to claim 12 described above. Walker et al. further teaches the following steps performed by the controller:

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Weighing the data representing capabilities of trading partners, in numerical form, according to an article subjected to the bidding (see column 16, lines, lines 29-43); and selecting a trading partner or trading partners for the matter, based on the bidding prices and the weighted data represented in numerical form (see column 11, lines 40-50 and column 33, line 66-column 34, line 2).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 6, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No.: 5,794,207 (PTO-892 form A) in view of Chaves, Pub. No.: US 2001/0044769 A2 (PTO-892 form B).

11. As per claim 4, Walker et al. teaches a system for determining overall capability of a trading partner, according to claim 3 described above. Walker et al. does not teach wherein the controller is further arranged to represent a difference between the bidding price and a target price predetermined for the matter, in numerical form, to add the price difference represented in numerical form to the weighted data represented in numerical form and to select trading partners in order of decreasing value of the data represented in numerical form, after the addition. Chaves teaches wherein the controller is further arranged to represent a difference between the bidding price and a target price predetermined for the matter, in numerical form, to add the price



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difference represented in numerical form to the weighted data represented in numerical form and to select trading partners in order of decreasing value of the data represented in numerical form, after the addition (see page 3, ¶ 0063 and page 4, ¶ 0118).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the controller is further arranged to represent a difference between the bidding price and a target price predetermined for the matter, in numerical form, to add the price difference represented in numerical form to the weighted data represented in numerical form and to select trading partners in order of decreasing value of the data represented in numerical form, after the addition feature to the system for determining overall capability of a trading party of Walker et al. because Chaves teaches that adding the feature helps to provide vast amounts of technical and other pertinent data/documentation, thereby allowing for more informed and rational decisions regarding purchase (see page 1, ¶ 0017).

12. As per claim 6, Walker et al. teaches a system for determining overall capability of a trading partner, according to claim 1 described above. Walker et al. does not teach wherein the controller is further arranged to choose a selecting routine from a plurality of predetermined selecting routines, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter by executing the chosen selecting routine. Chaves teaches the controller is further arranged to choose a selecting routine from a plurality of predetermined selecting routines, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter by executing the chosen selecting routine (see page 3, ¶ 0058-0063, 0069, 0073-0075 and 0087-0090).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the controller is further arranged to choose a selecting routine from a plurality of predetermined selecting routines, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter by executing the chosen selecting routine feature to the system for determining overall capability of a trading party of Walker et al. because Chaves teaches that adding the feature helps to provide vast amounts of technical and other pertinent data/documentation, thereby allowing for more informed and rational decisions regarding purchase (see page 1, ¶ 0017).

13. As per claim 8, Walker et al. teaches a system for determining overall capability of a trading partner, according to claim 6 described above. Walker et al. does not teach wherein the plurality of predetermined selecting routines include a selecting routine which functions to represent a difference between the bidding price and a target price predetermined for the matter, in numerical form, to add the price difference represented in numerical form to the weighted data represented in numerical form and to select trading partners in order of decreasing value of the data represented in numerical form, after the addition. Chaves teaches wherein the plurality of predetermined selecting routines include a selecting routine which functions to represent a difference between the bidding price and a target price predetermined for the matter, in numerical form, to add the price difference represented in numerical form to the weighted data represented in numerical form and to select trading partners in order of decreasing value of the data represented in numerical form, after the addition (see page 3, ¶ 0058-0063, 0069, 0073-0075 and 0087-0090; page 4, 0118).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add selecting routines include a selecting routine which functions to represent a difference between the bidding price and a target price predetermined for the matter, in numerical form, to add the price difference represented in numerical form to the weighted data represented in numerical form and to select trading partners in order of decreasing value of the data represented in numerical form, after the addition feature to the system for determining overall capability of a trading party of Walker et al. because Chaves teaches that adding the feature helps to provide vast amounts of technical and other pertinent data/documentation, thereby allowing for more informed and rational decisions regarding purchase (see page 1, ¶ 0017).

14. As per claim 15, Walker et al. teaches a method for comprehensively determining a trading partner, according to claim 14 described above. Walker et al. does not teach representing a difference between the bidding price and a target price predetermined for the matter, in numerical form; adding the price difference and selecting trading partners in order of decreasing value of the data represented in numerical form, after the addition. Chaves et al. further teaches comprising the following steps performed by the controller:

representing a difference between the bidding price and a target price predetermined for the matter, in numerical form (see page 3, ¶ 0063); adding the price difference (see page 3, ¶ 0063) and selecting trading partners in order of decreasing value of the data represented in numerical form, after the addition (see page 4, ¶ 0118).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a difference between the bidding price and a target price

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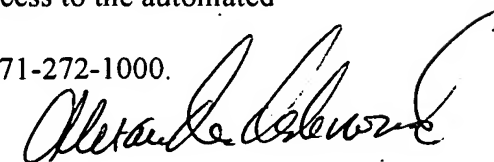
predetermined for the matter, in numerical form; adding the price difference and selecting trading partners in order of decreasing value of the data represented in numerical form, after the addition feature to the system for determining overall capability of a trading party of Walker et al. because Chaves teaches that adding the feature helps to provide vast amounts of technical and other pertinent data/documentation, thereby allowing for more informed and rational decisions regarding purchase (see page 1, ¶ 0017).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ALEXANDER KALINOWSKI  
SUPERVISORY PATENT EXAMINER

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